



March 29, 2019

Good morning Senator Carson, Representative Tucker, and distinguished members of the Environment and Natural Resources Committee: my name is Melissa Gates, and I am the Northeast Regional Manager and a lobbyist for the Surfrider Foundation.

The Surfrider Foundation has been working to protect America's coasts for over 35 years; we have 180 chapters and youth clubs across the coastal US and Great Lakes who are supported by a staff of about 60 experts. Our members here in Maine are beach goers, surfers, kayakers and sand castle builders – we are beach users. Our common point of interest is a vision for healthy ocean and coastal ecosystems, and a motivation to volunteer to protect our state's ocean waters, waves and beaches through focus on beach access, clean water, climate change, coastal preservation, ocean protection and plastic pollution mitigation. Here in Maine, one of the things we do is lead a statewide coalition to infuse expertise in the policy issue of offshore drilling and seismic exploration, and help coordinate efforts to oppose the inclusion of waters off from our State in the federal offshore drilling program. **We are here today to ask for your support for LD955.**

On January 4, 2018, the federal administration announced its draft proposal to open up 98% of America's outer continental shelf to new offshore drilling activity as part of the 2019-2022 National Outer Continental Shelf Oil and Gas Leasing program, including waters off from the beautiful stretches of coast here in Maine.<sup>1</sup> This launched a 60-day public comment period, where Americans said loud and clear that new offshore drilling is not the answer. We are currently awaiting the release of the next phase of this federal offshore drilling program, the proposed program, which will then be followed by a 90-day public comment period.

**Passing LD955 is critical to codify the characterization of our State's opposition to the federal offshore drilling program and to protect Maine from the very real threats of offshore drilling and seismic activity.** It's not enough that our citizens came out in droves last winter to comment against the proposal or that Governor Mills has officially opposed it and course corrected her predecessor's misguided position.<sup>2</sup> The fact remains that the federal government can advance seismic airgun blasting and drilling lease sales off from our coast, regardless of any law we pass, and in fact, actions are

<sup>1</sup> <https://www.boem.gov/National-Program-Learn/>

<sup>2</sup> <https://www.pressherald.com/2019/02/25/mills-withdraws-maine-from-coalition-of-governors-promoting-offshore-oil/>



being taken to attempt to even further dilute state's rights by modifying how we are able to apply federal consistency review provisions inherent currently in the Coastal Zone Management Act (CZMA).<sup>3,4</sup> Federal consistency is a provision within the CZMA that grants states the power to weigh in on federal decisions that will affect their coasts.<sup>5</sup> The provision requires that actions by the federal government impacting a state's coastline comply with the state's own coastal management plan. Federal consistency allows states to challenge federal government actions that undermine their own coastal zone management plans. The proposed change would streamline this process, thereby undercutting states' roles in decision-making while strengthening that of the federal government.

What's more, just yesterday the U.S. Senate held its first confirmation hearing as part of the vetting process for acting Department of Interior Secretary David Bernhardt to officially assume the role after his nomination by the President; Mr. Bernhardt is a former lobbyist for big oil and gas, and if confirmed as Secretary would be in the position of making the decision on the final national OCS program.<sup>6</sup> These matters escalate this issue as one not only of environmental protection, human health and energy sustainability, but also of State's rights; we know that activity in the outer continental shelf, and especially here in the Gulf of Maine given our currents, will have direct impact on our state waters, lands and people. It is imperative for Maine to codify opposition to the drilling program as we work to pushback against federal overreach and protect our interests.

The federal Outer Continental Shelf Lands Act contains 8 factors that the Secretary of the Department of Interior must consider in making recommendations and a determination on this program.<sup>7</sup> One of those factors is looking at the laws, goals, and policies of affected states. This is why LD955 is needed to provide codified opposition from the Legislature stipulating to our State's opposition and desire NOT to be included in the final program for offshore drilling, not to have drilling activity in State waters, and not to be subjected to the dangers potentially forced upon us by the federal government pursuing oil and gas drilling exploration, production and transportation across our waters. Passing LD955 will provide us with standing to object based upon our codified

<sup>3</sup> [https://coast.noaa.gov/czm/media/CZMA\\_10\\_11\\_06.pdf](https://coast.noaa.gov/czm/media/CZMA_10_11_06.pdf)

<sup>4</sup> <https://www.federalregister.gov/documents/2019/03/11/2019-04199/procedural-changes-to-the-coastal-zone-management-act-federal-consistency-process>

<sup>5</sup> <https://oceanservice.noaa.gov/facts/fedconsis.html>

<sup>6</sup> <https://www.nytimes.com/2019/03/28/climate/david-bernhardt-interior-secretary-senate.html>

<sup>7</sup> <https://www.boem.gov/Outer-Continental-Shelf-Lands-Act/>



laws, goals and policies, should the federal government decide to advance to its final offshore drilling program with the lease area off from our State waters intact.

Lawmakers to our south are currently considering similar legislation as LD955. While LD955 will not prevent the federal drilling program from advancing, if passed and in concurrence with the state bills of our coastal neighbors, it will widen our blanket of protection from this risky business of offshore oil and gas development by preventing future lessees from being able to transport outer continental shelf oil and gas resources across state waters to land. This makes oil and gas lease sales even more costly, and helps safeguard our coast and communities by making our lease area less attractive.

The ocean is already stressed in unprecedented and accelerating ways; as the resource that helps regulate our climate and provides upward of 70% of the oxygen we need to breathe and sustain life on the planet, the ocean needs our help, not more poorly thought out development programs that would serve to distract us from our renewable energy future and permanently devastate the ecosystem with our outdated, finite energy dependent past.

The way ahead for Maine and the nation to protect clean water, clean air and healthy beaches now and for future generations is clear: the future is in clean, renewable energy and heightened ocean protection.

The Surfrider Foundation and our Maine Chapter members are appreciative of the unified, widespread opposition already voiced by a vast majority of Maine residents, lawmakers and Governor Mills, and we extend thanks to Representative Mick Devin for bringing forth this important bill. Thank you all for considering support for LD955.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa E Gates".

Melissa E Gates  
Northeast Regional Manager, Surfrider Foundation  
Resident of Cushing, Maine